

**ZONING BOARD OF APPEALS
CHARTER TOWNSHIP OF WATERFORD
TUESDAY, AUGUST 18, 2020**

**MINUTES
TOWNSHIP HALL**

I. Call the Meeting to Order

II. Roll Call

Present: David Zuehlke, Chairman
Stan Moore, Vice Chairman
Karen Joliat, Secretary
Todd Hoffman, Board Member
Rick Schneider, Board Member
Todd Bonnivier, Board Member

Absent: Steve Reno, Board Member

General Public: Approximately

Also Present: Stacy St. James, Environ. and Housing Rehab Coordinator
Amy Williams, Departmental Aide

III. Approve the Minutes of the July 21, 2020, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Joliat; RESOLVED to **APPROVE** the Minutes of the July 21, 2020 meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

IV. Approve the Agenda of the August 18, 2020, regular meeting of the Zoning Board of Appeals as printed.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the Agenda of the August 18, 2020 meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

V. Old Business

Case No. PZBA20-010

Sidwell No. 13-15-478-016, Section 15, Part of Lot 4, "Supervisor's Plat No 18", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 2.0 ft. variance from Section 3-900 to allow the proposed attached garage addition to come to within 3.0 ft. of the south side property line. (5 ft. minimum required)
2. A 3.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 2.0 ft. of the south side property line. (5 ft. minimum required)
3. A variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 1776 Eason
Property Zoned: R-1C, Single-Family Residential
Applicant: Daniel & Elizabeth House

Applicant or representative present: Daniel House and Dan Burn

Mr. House said that his hardship comes from constraints on the lot, being too small and tight. There is little room to allow for a garage to park a car.

Chairman Zuehlke stated the case was tabled at the last meeting. Additional information was requested so the Board could act on the case properly. He stated that the 5' setback allows for maintenance of the building and was concerned if the building was closer.

Mr. House stated he provided plans that address drainage and letters from neighbors in support of this request.

During the public portion of the meeting, no one spoke regarding this request.

Board Member Schneider expressed concern with the 3 ft. side yard setback.

Board Member Moore also stated it would be hard to maneuver with the reduced setback, especially in an emergency.

Chairman Zuehlke stated it would be especially difficult if a fence was placed at the property line. He felt a usable garage could be constructed without the requested variance.

Board members continued to discuss the lack of space, concerns about maintenance of the building, the dimensions of the building and access.

Mr. House stated that the fence on the garage side would be coming down and there are doors on both sides for access. He also requested that all three variances be voted on individually.

MOTION AND VOTE

Moved by Joliat

*Supported by Hoffman; RESOLVED to **APPROVE** a 1.0 ft. variance from Section 3-900 to allow the proposed attached garage addition to come to within 4.0 ft. of the south side property line. (5 ft. minimum required)*

MOTION CARRIED UNANIMOUSLY

(6-0)

MOTION AND VOTE

Moved by Schneider

*Supported by Moore; RESOLVED to **APPROVE** a 2.0 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to come to within 3.0 ft. of the south side property line. (5 ft. minimum required)*

MOTION CARRIED UNANIMOUSLY

(6-0)

MOTION AND VOTE

Moved by Joliat

*Supported by Schneider; RESOLVED to **APPROVE** a variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA19-020

Sidwell No. 13-33-226-040, Section 33, Lots 16 & 17, "Chetolah Shores Sub", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a time extension to act on variance(s) granted August 20, 2019, from August 20, 2020 to August 20, 2021. (The timeframe for acting upon variances granted shall be one calendar year)

| | |
|---------------------------|---------------------------------|
| Property Location: | 5116 Durnham Dr |
| Property Zoned: | R-1C, Single-Family Residential |
| Applicant: | Robert Scarlet |

Applicant or representative present: No one was present for this case

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the request to extend the time frame in which to act on the variances granted for Case No. PZAB19-020 until August 20, 2021, with the same stipulations or conditions from the August 20, 2019 meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

Case No. PZBA19-031

Sidwell No. 13-06-377-027, Section 6, Part of Lot 6, "Maceday Knolls", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a time extension to act on variance(s) granted October 15, 2019, from October 15, 2020 to October 15, 2021. (The timeframe for acting upon variances granted shall be one calendar year)

Property Location: 7683 Maceday Lake Rd
Property Zoned: R-1A, Single-Family Residential
Applicant: Todd & Chasi Fox

Applicant or representative present: Anthony Fox (son)

Mr. Fox stated that due to the circumstances (with COVID) today, they have not yet been able to start this project.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Moore

*Supported by Hoffman; RESOLVED to **APPROVE** the request to extend the time frame in which to act on the variances granted for Case No. PZAB19-031 until October 15, 2021, with the same stipulations or conditions from the October 15, 2019 meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

VI. New Business

Case No. PZBA20-012

Sidwell No. 13-21-477-050, Section 21, Lots 13 & 14, "Crescent Lake Gardens", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting

1. A 1.5 ft. variance from Section 3-302.3.A(7) to allow the existing detached accessory structure to remain 3.5 ft. from the east side property line. (5 ft. minimum required)
2. A 2.5 ft. variance from Section 2-104.2 to allow the proposed roof eave and gutter to remain within 2.5 ft. of the east side property line. (5 ft. minimum required)
3. A variance from Section 3-302.3.A(7) to allow the existing detached accessory structure to remain within a side yard. (Detached accessory structures shall not be erected in any yard except a rear yard)
4. A 2.0 ft. variance from Section 3-302.7.A to allow the existing fence to have a maximum height of 8.0 ft. (6 ft. maximum allowed)

Property Location: 5080 Denwood St
Property Zoned: R-1C, Single-Family Residential
Applicant: Vicki Goestenkers

Applicant or representative present: Vicki Goestenkers

Ms. Goestenkers stated that she wanted to provide privacy for her mentally impaired son. The neighbors play structure sits high and they are able to see over the fence. Previously, she had a tarp structure, but felt the pavilion would look nicer.

Chairman Zuehlke questioned who installed the fence.

Ms. Goestenkers stated a friend installed the fence. She said they contacted the Township, but may not have asked the correct questions. They thought the fence could be as tall as the structure. She also felt the neighbor's concern was that there would be walls on the pavilion, making maintenance between the structure and fence difficult. She stated there would be no walls on the structure.

During the public portion of the meeting, no one spoke regarding this request.

Board Member Bonnivier said that he went out to view this and spoke with the neighbor. He felt they were ok with the structure now that they knew there would be no walls.

Board Member Joliat stated that this structure is visually nicer than the tarps that were present on Google maps.

MOTION AND VOTE*Moved by Hoffman**Supported by Schneider; RESOLVED to **APPROVE** Case No. PZAB20-012.***MOTION CARRIED UNANIMOUSLY***(6-0)***Case No. PZBA20-013**

Sidwell No. 13-15-353-021, Section 15, Lot 10, "Watkins Lakelands", T3N, R9E, Waterford Township, Oakland County, Michigan

Requesting a variance from Section 2-702.A to allow for the expansion of a nonconforming building. (No such building shall be allowed to expand and/or undergo substantial improvement)

Property Location: 4850 Payton Ave
Property Zoned: R-1A, Single-Family Residential
Applicant: Matthew Ellis

Applicant or representative present: Matthew Ellis

Mr. Ellis stated that it is a small home for a family of six plus one extra. He has decided to add on to the existing dwelling to allow the family more space. He discovered the house is non-conforming and the proposed addition is more than the allowed 25% expansion of a non-conforming house, requiring a variance.

Chairman Zuehlke confirmed that they will meet other setbacks.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE*Moved by Joliat*

*Supported by Hoffman; RESOLVED to **APPROVE** Case No. PZAB20-013 to find that practical difficulties exist and to approve the variance(s) requested based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.*

MOTION CARRIED UNANIMOUSLY*(6-0)*

VI. Discussions

VII. All Else

VIII. Public Comment

IX. Adjourn the Meeting

Chairperson Zuehlke adjourned the meeting at 4:48 p.m.

Case No. PZBA20-010

Property: 1776 Eason
Applicant: Daniel & Elizabeth House
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Attached garage, car port and porch

Analysis

The applicant originally appeared before the Board on July 21, 2020. At that meeting, the Board tabled the case requesting more information. Specifically, profile drawings of the proposed addition and how drainage would be addressed. Since then, the applicant has revised the request (original request below). The applicant is proposing to construct the proposed addition within 3' of the side property line (5' minimum required). Additionally, the overhang is proposed to come to within 2' of the side property line (5' minimum required). The requested variances have been revised to reflect the change. Additionally, the applicant has provided the requested information with regards to profile drawings. The drawings indicate the drainage from the roof will be guttered and a pipe installed directing the drainage to the lake. The applicant has also provided letters of support from neighboring property owners.

Original request:

The applicant is proposing to construct an attached garage, car port and porch on the existing house. The current house is non-conforming, in that it does not meet the minimum required 35 ft. lake rear (road) setback (the house is shown at 13.8'). The proposed additions will meet minimum setbacks. However, a variance is being request to allow the 1.0 ft. overhang to project into the required 5 ft. side yard setback. Based upon the non-conforming nature of the house, the proposed garage addition exceeds the maximum allowed expansion of 25% of the non-conforming building, requiring a variance. Currently, the existing house does not have a garage and almost all of the site is paved (impervious). Staff would recommend that if the Board grants the requested variances it would be with the stipulation that the applicant provide a way to capture the drainage from the proposed addition and direct it in a way that does not have a negative impact on neighboring properties (i.e. roof gutters directed to the lake, etc.).

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA20-010 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA20-010 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: _____)

Case No. PZBA19-020

Property: 5116 Durnham Dr
Applicant: Robert Scarlet
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Time extension of previous variances

Analysis

The applicant received approval for this request at the August 20, 2019 ZBA meeting. They are requesting a time extension of the variances for an additional year (variance are granted for one calendar year). The original request remains the same.

Original request:

The applicant is proposing to construct a detached accessory building on the subject property. Based upon the information provided, the building is show to be a garden shed. The applicant is proposing to construct the building within the side yard. Based upon the ordinance requirements, detached

accessory buildings must be located in a rear yard. The subject property is lakefront, with the road side being the rear. The proposed building cannot be located in the rear yard as the house is approximately 5 ft. from the rear property line. A variance would be required to locate the building anywhere on the property. It does not appear as though the shed will create a visual obstruction. The applicant has also submitted letters of support from many neighbors, including those to the west, east and south of the subject property. All other ordinance requirements are shown to be met, including the minimum west side setback of 5 ft. If the shed is less than 200 sq. ft., a building permit is not required.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-020 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met. (Evidence provided: _____)

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-020 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

***** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) *****

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: _____)

Case No. PZBA19-031

Property: 7683 Maceday Lake Rd
Applicant: Todd & Chasi Fox
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Time extension of previous variances

Analysis

The applicant received approval for this request at the October 15, 2019, 2019 ZBA meeting. They are requesting a time extension of the variances for an additional year (variance are granted for one calendar year). The original request remains the same.

Original request:

The applicants are proposing to construct a detached accessory building at the subject property. The building is shown to be 30 ft. by 60 ft., for an area of 1800 sq. ft. The existing attached garage is shown to have an area of 528 sq. ft. The combined total area for the existing and proposed buildings is 2328 sq. ft., when the maximum allowed for the subject property is 1444 sq. ft. A variance of 884 sq. ft. is being requested. All other ordinance requirements, including minimum setback and maximum height are shown to be met. The applicant has provided photos of a building that is similar in appearance to the building they are proposing to construct.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA19-031 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA19-031 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

***** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) *****

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: _____)

Case No. PZBA20-012

Property: 5080 Denwood St
Applicant: Vicki Goestenkors
Zoning: R-1C, Single-Family Residential
Site Use: Single Family Residential
Proposal: Detached accessory structure and fence (to remain)

Analysis

The applicant is requesting a variance to allow the existing detached accessory structure and fence to remain at the subject property. The fence was constructed within 3.5' of the side property line (5' minimum). The applicant indicates they previously had a tempory tent-like structure in the same location that continually needed to be replaced. Additionally, the applicant recently construct a 8' tall fence along the same side yard property line (6' maximum). The application information details as to why they felt the improvements were needed.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA20-012 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA20-012 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

**** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) ****

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: _____)

Case No. PZBA20-013

Property: 4850 Payton Ave
Applicant: Matthew Ellis
Zoning: R-1A, Single-Family Residential
Site Use: Single Family Residential
Proposal: Expansion of a nonconforming building

Analysis

The applicant is proposing to construct an addition onto the existing house. The current house is non-conforming, in that it does not meet the minimum required 35 ft. front yard setback (the house is shown at 24.6 ft). While the proposed addition meets the minimum setbacks from the rear and side

property lines, the size of the proposed addition is more than the allowed 25% expansion of the non-conforming house, requiring a variance.

The applicant has provided information addressing the standards listed below on the "Supplemental Information" sheet. These standards and the information provided by the applicant addressing these standards shall be used by the Zoning Board to determine whether the requested variance shall be granted.

DRAFT MOTION FOR APPROVAL

If the Zoning Board of Appeals chooses to approve the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

MOTION to find that practical difficulties exist and to approve the variance(s) requested in ZBA Case No. PZBA20-013 based upon the information presented by the Applicant and for this hearing demonstrating each of the review standards in Section 6-100.5 of the Zoning Ordinance have been met.

(Evidence provided: _____)

DRAFT MOTION FOR DENIAL

If the Zoning Board of Appeals chooses to deny the applicant's request, the following is a draft motion that could be used to make that decision. Adding a summary of the evidence relied on at the end of the motion is encouraged. The Worksheet is intended to assist in doing that.

Motion to find that practical difficulties do not exist and to deny the variance(s) requested in ZBA Case No. PZBA20-013 based upon the applicant's failure to demonstrate that the following review standard(s) in Section 6-100.5 of the Zoning Ordinance have been met:

***** (ONLY list standard(s) the Applicant DID NOT demonstrate and exclude those that do not apply) *****

- *Strict compliance with the ordinance provisions being varied is unnecessarily burdensome.*
- *The variance will do substantial justice to the applicant and other property owners.*
- *A lesser variance than requested would not give substantial relief to the applicant and/or be consistent with justice to other property owners*
- *The variance is needed due to unique circumstances of the property.*
- *The problem and resulting need for the variance was not self-created by the applicant or the applicant's predecessors.*
- *The variance observes the spirit of the Zoning Ordinance, will not adversely affect public safety and welfare, and will do substantial justice.*

(Evidence provided: _____)